

10 / 21

AGREEMENT

Made this 10 day of March 1998, by and between Congress Market, Inc., t/a Congress Market, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

PA
RW

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "B" license for premises, 421 East Capitol Market SE, ABC Application #4735, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC Board); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "B" Liquor License at the subject premises; and,

WHEREAS, the parties agree that the sale of single containers of beer, of 40 ounces or less, is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

WHEREAS, the ability of the District of Columbia government to provide essential public services is compromised by the failure of businesses and individuals to pay their financial obligations to the government in a full and timely manner; and,

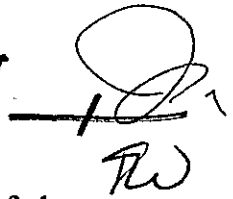
WHEREAS, the strict enforcement of health, safety, and security regulations enhances compliance with such regulations, and, in turn, preserves and enhances the peace, order, and quiet of communities within the District of Columbia; and,

WHEREAS, the Applicant hereby certifies that it does not owe more than \$100 to the District of Columbia government as the result of any fine, fee, penalty interest or past due tax;

WHEREAS, Applicant declares that ending the sale of all single containers of beer of 40 or fewer ounces (which Applicant declares make up approximately 5% of the Applicant's sales of alcoholic beverages) will result in financial hardship and will severely limit the successful operation of the Applicant's business;

PA
RW

Applicant will not offer for sale single containers of beer of 15 or fewer ounces.


RW

1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
 - a. posting a "No Loitering/No Panhandling" sign on the outside of the establishment;
 - b. posting a sign inside requesting customers not to contribute to panhandlers;
 - c. asking loiterers to move on whenever they are observed outside the establishment;
 - d. calling the MPD to remove the loiterers if they refuse Applicant's request to move on;
 - e. keeping a written record of dates and times when the MPD is called for assistance; and
 - f. not installing an outdoor payphone outside the establishment, and by opposing the efforts any other party to install an outdoor payphone on or adjacent to the establishment;
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
 - a. picking up trash, including beverage bottles and cans, on a daily basis, or more often if required.
 - b. sweeping the outside of the establishment on a daily basis, or more often if required.
3. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales.
4. In consideration of, and reliance upon, the commitments reflected in paragraph 1-4, the ANC hereby agrees not to protest the applicant's pending license application.
5. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: 

By: 

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Congress Market, Inc.
t/a Congress Market

Application for a Retailer's License
Class B - renewal
at premises

421 East Capitol Street, S.E.
Washington, D.C.

App. No. 4735

Thomas Wells, Chair, Advisory Neighborhood Commission 6B, Signatory

Yi Ja Yi, Signatory

**BEFORE: BARBARA L. SMITH, ESQUIRE, CHAIR;^{1/}
DENNIS BASS, MEMBER;
ALLEN BEACH, MEMBER;
MARY EVA CANDON, ESQUIRE, MEMBER;
LAVERNE KING, MEMBER;
EYDIE WHITTINGTON, MEMBER;
DUANE WANG, MEMBER**

ORDER ON VOLUNTARY AGREEMENT

This matter came before the Board for approval on March 25, 1998. The signatories to the attached voluntary agreement, dated March 10, 1998, submitted the agreement to the Board in accordance with 23 DCMR Section 1513, June 1997.

The Board, having determined that the agreement complies with all applicable laws and regulations and that the Applicant otherwise qualifies for licensure, does hereby this 26th day of August, 1998, **APPROVE** the license application conditioned on the applicant's compliance with the terms of the voluntary agreement and **INCORPORATES** the text of the same into this Order.

^{1/} Barbara Smith is no longer a member of the ABC Board.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL
BOARD

Barbara L. Smith, Esquire, Chair



Dennis Bass, Member



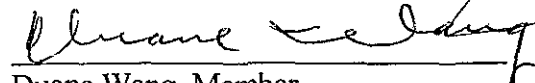
Allen Beach, Member



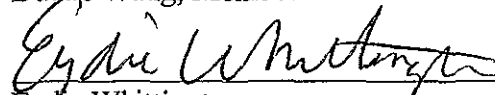
Mary Eva Candon, Esquire, Member



Laverne King, Member



Duane Wang, Member



Eydie Whittington

ABEA rec'd 4/13/02
186
4735

AGREEMENT

Made this 21 day of January, 2002 by and between Lee S Food Inc., t/a Congress Market, (the Applicant), and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailers' Class "B" license for premises, 421 East Capitol Street, SE, ABC Application #4735, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers' Class "B" Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of 40 ounces or less ("singles"), is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

NOW, THEREFORE, the parties agree as follows:

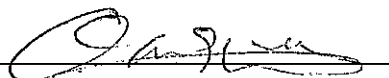
1. Applicant will prohibit and prevent loitering and panhandling within 100 feet of the establishment by:
 - a. maintaining a "No Loitering/No Panhandling" sign on the outside of the establishment; and,
 - b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,
 - c. asking loiterers to move on whenever they are observed outside the establishment; and,
 - d. calling the MPD to remove the loiterers if they refuse Applicant's request to move on; and,
 - e. keeping a written record of dates and times when the MPD is called for assistance; and,
 - f. not installing an outdoor payphone outside the establishment, and by opposing the efforts of any other party to install an outdoor payphone on or adjacent to the establishment.
2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:
 - a. picking up trash, including beverage bottles and cans, on a daily basis, or more often if needed.
 - b. sweeping the outside of the establishment on a daily basis, or more often if needed.


3. Applicant will not sell or provide cups or single servings of ice.
4. Applicant will maintain the interior and exterior in a clean, well-painted and graffiti-free condition.
5. Applicant will participate in an ABC Board-approved course in alcoholic beverage sales management.
6. Applicant will not offer for sale single containers of beer containing 15 or fewer ounces.
7. Applicant agrees to sell single containers of beer of 40 or fewer ounces ("singles") [pint and half-pint containers of liquor - for Class A licenses] only in clear or translucent plastic bags.
8. Applicant will only sell containers of singles with a sandwich or equivalent food sale [for deli's and sandwich shops].
9. Applicant will sell goods which reflect the community's needs - including but not limited to grocery products, fresh foods, dairy products and household products. Applicant will de-emphasize alcoholic beverages, tobacco products, sweets and snacks.
10. In consideration of, and reliance upon, the commitments reflected in above paragraphs, the ANC will not oppose the applicant's pending license application.
11. The parties further agree that any failure of Applicant to adhere to the foregoing commitment would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

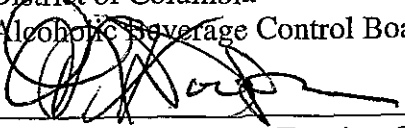
By: 
Jacob Lee

By: 
Charles C. White

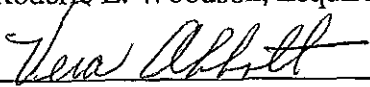
Having determined that the agreement complies with all applicable laws and regulations and the applicant qualifies for licensure, the Board does hereby this 24th day of April 2002, **APPROVE** the license application conditioned on the applicant's compliance with the terms of the voluntary agreement and **INCORPORATE** the text of the same into the Order.

Lee S. Food, Inc.
t/a Congress Market
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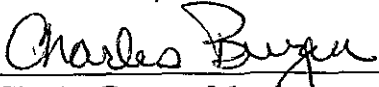
District of Columbia
Alcoholic Beverage Control Board



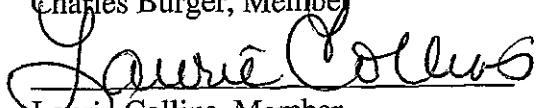
Roderic L. Woodson, Esquire, Chair



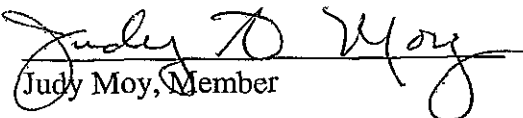
Vera Abbott, Member



Charles Burger, Member



Laurie Collins, Member



Judy Moy, Member

Ellen Oppen-Weiner, Esquire, Member

Audrey E. Thompson, Member